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10/715,398	11/19/2003	Kang Soo Seo	1740-000072/US	5315
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EXAMINER				
TEKLE, DANIEL T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,398

Applicant(s)

SEO ET AL.

Examiner

DANIEL TEKLE

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 10, 11, 20-22, 24, 30-34, 36-38, 40-42, 44-46, 48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 10-11, 20-22, 24, 30-34, 36-38, 40-42, 44-46 and 48-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 03, 2008 has been entered.

Response to Argument

Applicant's arguments with respect to claims 1-2, 10-11, 20-22, 24, 30-34, 36-38, 40-42, 44-46 and 48-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11, 33, 36, 39, 44 and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The word "off" and

"playlist area physically separated from the navigation area" added to the claimed limitation singly or in combination not found support in the description.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30-31, 34, 36-38, 40-42 is rejected under 35 U.S.C. 101 because the claim is directed to a recording medium storing nonfunctional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. See, e.g. Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-2, 10-11, 20-22, 24, 30-34, 36-38, 40-42, 44-46 and 48-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Setogawa et al (US 6,424,793).

Regarding Claim 1: Setogawa et al. discloses a computer readable medium having a data structure for managing reproduction of video data, comprising: a data area storing a first video data associated with a main reproduction path of the video data and a second video data associated with a side reproduction path of the video data, the side reproduction path being a side path to the main reproduction path (column 8 lines 53-67); a play list area storing a first play list file including a play item identifying the first video data and a second play list file including a play item identifying the second video data (column 5 lines 25-56); and a navigation area storing a navigation file including a first path item including a navigation command executing the first play list file and a second path item including a navigation command executing the second play list file (column 5 lines 25-67), the main reproduction path being suspended during reproduction of the side reproduction path and resumed at the suspended position after the reproduction of the side reproduction path (column 8 lines 53-67 and column 13 lines 49-67).

Regarding Claim 2: Setogawa et al. discloses a computer readable medium of claim 1, wherein the second playlist file is branched from the first playlist file (column 8 lines 53-67).

Regarding Claim 10: Setogawa et al. discloses a computer readable medium of claim 1, wherein the navigation commands include the first and the second path items are divided into navigation command groups **(column 7 lines 32-60).**

Regarding Claim 11: Setogawa et al. discloses a computer readable medium of claim 10, wherein the main reproduction path branches off to the side reproduction path (column 8 lines 53-67).

Regarding Claim 20: Setogawa et al. discloses a computer readable medium of claim 10, wherein the navigation file further includes a length indicator indicating a length of the navigation file (column 13 lines 42-47).

Regarding Claim 21: Setogawa et al. discloses a computer readable medium of claim 10, wherein the first path item and the second path item include an attribute indicators providing indications of at least one attribute of the first path item and the second path item, respectively(column 6 lines 1-9).

Regarding Claim 22: Setogawa et al. discloses a computer readable medium of claim 10, wherein the navigation file further includes a number of path item indicators indicating the number of the path item included in the navigation file (column 5 lines 25-35).

Regarding Claim 24: Setogawa et al. discloses a computer readable medium of claim 1, wherein the second path item command resumes reproduction of the main reproduction path after reproduction of the side reproduction path (column 8 lines 53-67 and column 13 and lines 49-67).

Regarding Claims 30-32: Claims 30-32 are rejected for the same subject matter as claim 1.

Regarding Claim 34: Setogawa et al. discloses a method of claim 30, wherein the second play list file is branched from the first playlist file (column 8 lines 53-67).

Regarding Claim 36: Setogawa et al. discloses a method of claim 30, wherein the main reproduction path branches off to the side reproduction path (**column 8 lines 53-67**).

Regarding Claim 37: Setogawa et al. discloses a method of 30, wherein a portion of the navigation commands command resuming reproduction of the main reproduction path after reproduction of the side reproduction path (**column 12 lines 64 to column 13 lines 7**).

Regarding Claim 38: Setogawa et al. discloses a method of claim 31, wherein second playlist file is branched from the first playlist file (**column 8 lines 53-67**).

Regarding Claim 40: Setogawa et al. discloses a method of claim 31, wherein the main reproduction path branches off to the side reproduction path (**column 8 lines 53-67**).

Regarding Claim 41-42 and 44: Claims 41-42 and 44 are rejected for the same subject matter as claim 37-38 and 40 respectively.

Regarding Claim 45-46 and 48: Claims 45-46 and 48 are rejected for the same subject matter as claims 37-38 and 40 respectively.

Regarding Claim 49: Claim 49 is rejected for the same subject matter as claim 37.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Setogawa et al. (US 6,424,793) further in view of Kato et al. (US 2002/0145702).

Regarding Claim 33: Setogawa et al. and Kato et al. discloses an apparatus for reproducing a data structure for managing reproduction of at video data recorded on a recording medium, comprising: reproducing device configured to reproduce data recorded on the recording medium (**fig. 12 of Setogawa et al.**); a controller configured to control the reproducing device to reproduce a navigation file from a navigation area of the recording medium (fig. 12 and column 1 lines 24-26 of Setogawa et al.), the navigation file including a first path item including a navigation command executing a first playlist file and a second path item including a navigation command executing a second playlist file (column 8 lines 52-67 of Setogawa et al.), wherein the controller is further configured to control a reproducing unit to reproduce the first path item from the navigation area (column 8 lines 52-67 of Setogawa et al.), wherein the controller is further configured to reproduce the first palylist file executed by the first path item from a playlist area (column 8 lines 52-67 of Setogawa et al.), the playlist area physically separated from the navigation area of the recording medium (**Fig. 14 playlist separated from clipinfo, Fig. 45 under clip info. See CPI for navigation area and paragraph 0196**), the first playlist file including a playitem identifying a first video data associated with a main reproduction path of the video data (**column 8 lines 52-67 of Setogawa et al.**), wherein the controller is further configured to reproduce the first video data identified by the first playlist file from a data area, the data area physically separated from the navigation area and the playlist area of the recording medium (**Fig.**

14 playlist separated from clipinfo, Fig. 45 under clip info. See CPI for navigation area and paragraph 0196 of Kato et al.), wherein the controller is further configured to reproduce the second path item from the navigation area, to reproduce the second playlist file executed by the second path item from the playlist area (column 8 lines 52-67 of Setogawa et al.), the second playlist file including a playitem identifying a second video data associated with a side reproduction path of the video data, the side reproduction path being a side path to the main reproduction path (column 8 lines 52-67 of Setogawa et al.), wherein the controller is further configured to reproduce the second video data identified by the second playlist file from the data area, the main reproduction path being suspended during reproduction of the side reproduction path, wherein the controller is further configured to resume the reproduction of the main reproduction path at the suspended position after the reproduction of the side reproduction path (column 8 lines 53-67 and column 13 lines 49-67 of Setogawa et al.).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combined Kato et al. into Setogawa et al. invention in order to enable to reproduce AV stream from a separated navigation recorded area.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621